IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR.

S.B. CIVIL WRIT PETITION NO.4565/2004

Dr. Sita Ram Goyal and Ors.

Versus

State of Rajasthan and Ors.

Date of Order : 27.7.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr.Anand Purohit, for the petitioner/s
Mr.J.P. Joshi, for the respondent/s

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The instant petition has been filed by the petitioners with the prayer that the respondents be directed to permit the petitioners in interview and if found suitable the respondent be directed to make necessary recommendation to the State Government.

The brief facts of the case are that the petitioners were admitted to MBBS course after having been found suitable in RPMT, 1998. At the time of admission the respondents were told that their course shall be completed within five and half years. Meaning thereby, the petitioners were required to complete their MBBS alongwith internship by 8.4.2004. However,

the course was delayed at all levels except the Final MBBS Examination.

It has been contended by the learned counsel for the petitioner is that for all these delays there was no volition or control on the part of the petitioners nor the petitioners were responsible for the delay occurred. The result of Final MBBS Examination was declared on 30.12.2003 and internship of the petitioners started w.e.f. 1.1.2004. After passing MBBS examinations the petitioners applied for their registration with Rajasthan Medical Council and all of them have been registered provisionally.

The respondent No.3 issued an advertisement dated 21.1.2004 for the post of Medical Officer. The minimum qualification for the post of Medical Officer is MBBS. However, in the column of qualification a note was added that the candidate must have completed his internship on the date he is called for the interview.

The petitioners being eligible for appointment on the post of Medical Officer applied for the same and they were allowed

to appear in the written examination. In the written examination the petitioners were declared pass.

The main grievance of the learned counsel for the petitioners is that since they did not possess the requisite qualification on the date of interview scheduled to be held on 15.10.2004, they might not be called for interview. It has, therefore, been prayed that note No.2 in the advertisement (Annex.-7) may kindly be quashed.

During the course of arguments, the learned counsel for the respondents submitted that though the petitioners did not possess the requisite qualification on the date of interview, despite that they were called for interview and the petitioners have not been declared successful in the interview.

The learned counsel for the respondents has also produced the record of the case.

It has also been submitted by the learned counsel for the respondents that identical writ petition being S.B. Civil

Writ Petition No. 731/2005 (Dr. Anil Kumar V/s University of Rajasthan and Ors.) raising the controversy regarding the fixation of cut-off date from admission to Pre-PG Medical Examination, 2005 has already been dismissed by Jaipur Bench of this Court on 12.4.2005.

Heard the learned counsel for the parties and examined the material available on record.

The counsel for the respondents have shown relevant record of the case to this Court and the petitioners have been declared failed. The record of the case has also been shown to the counsel for the petitioner and he has not disputed this fact.

In this view of the matter, the grievance raised by the petitioner no more survives. That apart it is the domain of the employer to fix a particular cut-off date of acquiring qualification for appointment to a particular post. It is the policy decision of the employer which should not normally be interfered with while exercising jurisdiction under Article 226 of the Constitution of India. That apart similar writ petition

raising the controversy regarding fixation of cut-off date for admission to Pre-PG Medical Course has already been dismissed by this Court dated 12.4.2005. Hence, the present writ petition has no force and the same is liable to be dismissed.

For the reasons mentioned above, the stand petition is dismissed.

No order as to costs.

(R.P.VYAS)J.

RM/